

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division



UNITED STATES OF AMERICA)	
)	
v.)	Criminal No. 01-455-A
)	Hon. Leonie M. Brinkema
ZACARIAS MOUSSAOUI,)	
a/k/a "Shaqil,")	
a/k/a "Abu Khalid al Sahrawi,")	
)	
Defendant)	

STIPULATION

IT IS HEREBY STIPULATED AND AGREED by and between the United States of America and Zacarias Moussaoui, the defendant, as follows:

1. On February 6, 2001, a Senior Executive Intelligence Brief ("SEIB") indicated a heightened threat of Sunni extremist terrorist attacks, particularly in the Middle East and Europe, against United States facilities, personnel, and other interests, and stated that this new reporting on the planned Sunni attacks represented the most significant spike in threat reporting concerning this group since the time of the millennium.

2. In March and April 2001, the Central Intelligence Agency ("CIA") disseminated a series of reports warning that Abu Zubaydah was planning an operation in the near future. One report cited a source indicating that Abu Zubaydah was planning an attack in a country that CIA analysts thought might be Israel, or perhaps Saudi Arabia or India. Abu Zubaydah was an *al Qaeda* member and a major figure in the millennium plots.

3. On April 13, 2001, the Federal Bureau of Investigation ("FBI") sent an all-office message summarizing the intelligence reporting to date on the Sunni extremist threat. The message did not mention a domestic threat.

4. On April 20, 2001, a SEIB indicated that Usama Bin Laden was planning multiple operations.

5. On May 3, 2001, a SEIB indicated that Usama Bin Laden's "public profile may presage attack."

6. On May 23, 2001, a SEIB reported a possible hostage plot against Americans abroad to force the release of prisoners, including Sheikh Omar Abdel Rahman (the "Blind Sheikh"), who was serving a life sentence for his role in the 1993 plot to blow up landmarks in New York City. The reporting noted that operatives might opt to hijack an aircraft or storm a United States embassy abroad.

7. On May 26, 2001, a SEIB indicated that Usama Bin Laden's network's plans were advancing.

8. Threat reports surged in June and July, reaching an even higher peak of urgency. The summer threats seemed to be focused on Saudi Arabia, Israel, Bahrain, Kuwait, Yemen, and possibly Rome, but the danger could be anywhere — including a possible attack on the G-8 summit in Genoa.

9. On June 12, 2001, a CIA report passing along biographical information on several terrorists mentioned, in commenting on Khalid Sheikh Mohammed, that he was recruiting people to travel to the United States to meet with colleagues already there so that they might conduct terrorist attacks on Usama Bin Laden's behalf.

10. On June 21, 2001, United States Central Command raised the force protection condition level for United States troops in six countries to the highest possible level, Delta. The United States Fifth Fleet moved out of its port in Bahrain, and a United States Marine Corps

exercise in Jordan was halted. United States embassies in the Persian Gulf conducted an emergency security review, and the embassy in Yemen was closed.

11. On June 22, 2001, the CIA notified all its station chiefs around the world about intelligence suggesting a possible *al Qaeda* suicide attack on a United States target over the next few days. The same day, the State Department notified all embassies of the terrorist threat and updated its worldwide public warning.

12. In late June 2001, a CIA terrorist threat advisory indicated a high probability of near-term “spectacular” terrorist attacks resulting in numerous casualties. On June 23, 2001, the title of a SEIB warned, “Bin Laden Attacks May be Imminent.” On June 25, 2001, a SEIB titled Bin Laden and Associates Making Near-Term Threats reported that multiple attacks were being planned by Bin Laden and his associates over the coming days, including a “severe blow” against United States and Israeli “interests,” during the next two weeks. Also on June 25, 2001, an Arabic television station reported Bin Laden’s pleasure with *al Qaeda* leaders who were saying that the next few weeks “will witness important surprises” and that United States and Israeli interests will be targeted. At the end of June 2001, an *al Qaeda* intelligence report warned that something “very, very, very, very” big was about to happen, and most of Bin Laden’s network was reportedly anticipating the attack.

13. On June 30, 2001, a SEIB titled “Bin Laden Planning High-Profile Attacks,” repeated that Bin Laden operatives expected near-term attacks to have dramatic consequences of catastrophic proportions. The SEIB contained an article titled “Bin Laden Threats Are Real.”

14. The intelligence reporting at the end of June consistently described the upcoming attacks as occurring on a calamitous level, indicating that they would cause the world to be in

turmoil and that they would consist possibly of multiple — but not necessarily simultaneous — attacks.

15. On July 2, 2001, a SEIB indicated that the planning for Usama Bin Laden's attacks continue, despite delays.

16. Also on July 2, 2001, the FBI issued a National Law Enforcement Telecommunications ("NLETS") message concerning potential anti-United States terrorist attacks. The message summarized the information regarding the threats from Bin Laden and warned that there was an increased volume of threat reporting. The message indicated a potential for attacks against United States targets abroad from groups "aligned or sympathetic to Usama Bin Laden." The message further stated, "The FBI has no information indicating a credible threat of terrorist attack in the United States." The message asked recipients to "exercise extreme vigilance" and "report suspicious activities" to the FBI.

17. On July 5, 2001, the CIA briefed the Attorney General on the *al Qaeda* threat, warning that a significant attack was imminent. In addition, the Attorney General was told by the CIA that preparations for multiple attacks were in late stages or already complete and that little warning could be expected. The briefing addressed only threats outside United States.

18. Also on July 5, 2001, the CIA briefed representatives of the Immigration and Naturalization Service, the Federal Aviation Administration, the Coast Guard, the Secret Service, and Customs, on the current threat at a video teleconference convened by the Counterterrorism Security Group.

19. On July 13, 2001, a SEIB indicated that Usama Bin Laden's plans had been delayed, maybe for as long as two months, but not abandoned.

20. On July 19, 2001, one of the items mentioned by the Acting FBI Director in a conference call with all his special agents in charge, was the need, in light of increased threat reporting, to have evidence response teams ready to move at a moment's notice, in case of an attack. The Acting Director did not task FBI field offices to try to determine whether any plots were being considered within the United States or to take any action to disrupt any such plots.

21. On July 25, 2001, a SEIB stated that one Bin Laden operation was delayed, but that others were ongoing.

22. On August 1, 2001, the FBI issued an advisory that in light of the increased volume of threat reporting and the upcoming anniversary of the bombings of the U.S. embassies in East Africa (which occurred on August 7, 1998), increased attention should be paid to security planning. The advisory noted that while most of the reporting indicated that the potential for attacks were on U.S. interests abroad, the possibility of an attack in the United States could not be discounted.

23. On August 3, 2001, the CIA issued an advisory concluding that the threat of impending *al Qaeda* attacks would likely continue indefinitely. Citing threats in the Arabian Peninsula, Jordan, Israel, and Europe, the advisory suggested that *al Qaeda* was lying in wait and searching for gaps in security before moving forward with the planned attacks.

24. An article in the August 6, 2001 Presidential Daily Briefing ("PDB") titled "Bin Laden Determined to Strike in U.S." was the 36th PDB item in 2001 relating to Bin Laden or *al Qaeda* and the first devoted to the possibility of an attack in the United States.

25. On August 7, 2001, a SEIB indicated that Usama Bin Laden was determined to strike in the United States.

26. On August 23, 2001, Director of Central Intelligence George Tenet received a briefing on Zacarias Moussaoui, titled "Islamic Extremist Learns to Fly."

27. On August 24, 2001, a foreign intelligence service reported that Abu Zubaydah was considering mounting terrorist attacks in the United States to Attack Targets in the United States.

28. Government Exhibit CL 1 is a disseminated intelligence report that was available to the FBI, on its INTELINK computer database, in August 2001. CL 1 may be admitted into evidence, under the silent witness rule, without further authentication.

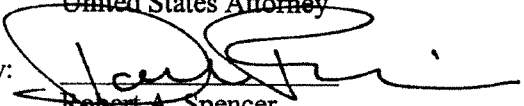
29. The following documents are CIA briefing memos that may be admitted into evidence without further authentication:

- a. 23 August 2001, DCI Update Terrorist Threat Review;
- b. 27 August 2001, DDO Update Terrorist Threat Review;
- c. 28 August 2001, EXDIR Update Terrorist Threat Review;
- d. 30 August 2001, DCI Update Terrorist Threat Review;
- e. 4 September 2001, EXDIR Update Terrorist Threat Review; and
- f. 10 September 2001, DDO Update Terrorist Threat Review.

Respectfully submitted,

Paul J. McNulty
United States Attorney

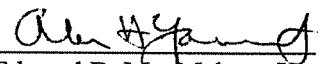
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